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6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 JOSEPH ANDREW SCHENK III,

13 Defendant.

Case No. 2:24-mj-00398-DJA

STIPULATION TO CLOSE CASE

14 IT IS STIPULATED AND AGREED, by and between SUE FAHAMI, Acting
15 United States Attorney, and Skyler Pearson, Assistant United States Attorney, counsel for
16 the United States of America, and Adam Vander Heyden, counsel for the defendant Joseph
17 Andrew Schenk III, that the above captioned matter be closed.

18 This stipulation is entered into based on the following:

19 1. On or about August 7, 2024, defendant entered into a Petty Offense
20 Agreement with the United States in which he agreed to plead guilty to Count One of the
21 Complaint, Operating a Motor Vehicle while Under the Influence of Alcohol, in violation of
22 36 C.F.R. § 4.23(a)(1). *See* ECF No. 8.

2. The parties agreed to recommend that defendant be sentenced to one year of unsupervised probation with the following special conditions: (i) pay a \$500.00 fine and a mandatory \$10 penalty assessment; (ii) attend and complete the Lower Court Counseling's (1) DUI course and (2) Victim Impact Panel; (iii) complete an 8 hour online alcohol awareness course; (iv) not return to the Lake Mead National Recreation Area for a period of one year; and (v) not violate any local, state, or federal laws for a period of one year. If the defendant successfully completes his obligations within the one-year period of his unsupervised probation, the court will allow the defendant to withdraw his guilty plea to Count One and the government will move to amend Count One to Reckless Driving.

3. On August 7, 2024, this Court sentence defendant pursuant to the parties' plea agreement. *See* ECF No. 7.

4. Since commencing his term of unsupervised probation, defendant has successfully completed conditions (i), (ii), (iii), and (iv).

5. As such, the parties jointly request that the defendant be allowed to withdraw his guilty plea to Count One and the government moves to amend Count One to Reckless Driving. The parties also jointly request that the above-captioned matter be closed.

DATED this 6th day of February, 2025

Respectfully submitted,

SUE FAHAM
Acting United States Attorney

/s/ Adam Vander Hayden

ADAM VANDER HAYDEN
Attorney for Defendant
JOSEPH ANDREW SCHENK

/s/ Skyler Pearson

SKYLER PEARON

Assistant United States

Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:24-mj-00398-DJA

Plaintiff,

ORDER TO CLOSE CASE

V.

JOSEPH ANDREW SCHENK III,

Defendant.

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant Joseph Andrew Schenk III has successfully completed the conditions of his sentencing.

ORDER

IT IS HEREBEY ORDERED that the defendant is allowed to withdraw his guilty plea to Count One and that the Count One be amended to reckless driving.

IT IS HEREBY ORDERED that the parties move the Court in the above-captioned matter case be closed, as all requirements have been completed.

DATED this 5th day of February, 2025

UNITED STATES MAGISTRATE JUDGE

UNITED STATES MAGISTRATE JUDGE